

EXHIBIT 56

MAO DECLARATION ISO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

DOCUMENT SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA)
MUNIZ, ELIZA CAMBAY, SAL) Case No.:
CATALDO, EMIR GOENAGA, JULIAN) 3:20-cv-04688
SANTIAGO, HAROLD NYANJOM, KELLIE)
NYANJOM, and SUSAN LYNN HARVEY,)
individually and on behalf of all)
others similarly situated,)
Plaintiffs,)
vs.)
GOOGLE LLC,)
Defendant.)

-----)

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

REMOTE PROCEEDINGS OF THE
VIDEOTAPED DEPOSITION OF STEVE GANEM
FRIDAY, OCTOBER 28, 2022

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
CLAUDIA R. GARCIA, CSR. 12812
JOB No. 5554575

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Remote Videotaped Deposition of STEVE GANEM,
beginning at 8:14 a.m., Friday, October 28, 2022
before Nancy J. Martin, a Registered Merit Reporter,
Certified Shorthand Reporter and CLAUDIA R. GARCIA,
CSR No. 12812. All parties appeared remotely.

1 A P P E A R A N C E S :

2
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22 ALSO PRESENT:

23 JOHN JANHUNEN, GOOGLE IN-HOUSE COUNSEL

24 ANTHONY GALINO, LEGAL VIDEOGRAPHER

25
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1 (The witness reviewed Exhibit 208.)

2 THE WITNESS: Okay.

3 BY MR. MAO:

4 Q. Mr. Ganem, do you know whether or not
5 AppIndex was, in maybe the last year or so, deprecated
6 as a product, for Firebase? Sorry. For Firebase.

7 A. Yes, that's my understanding.

8 Q. What is the reason for that?

9 A. My understanding is that there are alternate
10 mechanisms that have replaced the functionality that
11 was initially supported by app indexing that are
12 preferred.

13 Q. Got it.

14 What is the alternative functionality that
15 replaced app indexing?

16 A. For example, universal links and app links
17 and app actions.

18 Q. Super helpful.

19 I'm going to make the representation to you
20 that my understanding, from Mr. Monsees during his

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

[REDACTED]

[REDACTED]

3 My question to you, Mr. Ganem, is that do you
4 at least agree on that with regard to how WAA consent
5 look-up is done for Firebase app indexing?

6 A. You're asking -- can you clarify whether
7 you're asking me to confirm the behavior of app
8 indexing?

9 Q. I am, actually.

10 A. [REDACTED]

[REDACTED]

12 Q. Is app indexing only a sWAA and not a WAA
13 check as well? That's actually a question. I'm not
14 arguing. I'm literally just trying to understand.

15 A. The distinction between sWAA and WAA has to
16 do with third-party apps versus OnO apps. So
17 third-party apps, that data and the end user data
18 there, and it's -- the setting that relates to that is
19 sWAA because it's the supplemental web-and-app
20 activity related to third-party apps that use Google
21 services.

22 Q. Okay. So is that check with that sWAA
23 setting done locally as opposed to, you know, after it
24 hits the Google servers?

25 MR. SANTACANA: Asked and answered.

1 MR. MAO: And I'm talking about just app
2 indexing right now, Mr. Ganem.

3 THE WITNESS: Give me just a minute to read
4 the doc a little bit more.

5 MR. MAO: Sure.

6 THE WITNESS: Thanks.

7 (The witness reviewed Exhibit 208.)

8 THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 BY MR. MAO:

13 Q. It states in this document on that first page
14 under "Background," first paragraph, you can see the
15 app indexing also supports a Chrome, Maps, Gmail,
16 Drive and Messages." Do you see that there?

17 (The witness further reviewed Exhibit 208.)

18 THE WITNESS: Yes.

19 BY MR. MAO:

20 Q. Would the gating, okay, for the app indexing
21 there have been done with a WAA check, W-A-A, as
22 opposed to a SWAA check?

23 MR. SANTACANA: Outside the scope.

24 THE WITNESS: Based on my personal knowledge
25 and understanding, first party apps, which intend to

1 store web-and-app activity of those apps against the
2 users account, will check WAA. Third-party apps,
3 that's where sWAA comes into effect.

4 BY MR. MAO:

5 Q. And for WAA, do you know whether the check
6 for app indexing was local, or was it done after the
7 data hits Google servers?

8 MR. SANTACANA: Again, for first-party apps,
9 Mark?

10 MR. MAO: Yes, sir.

11 MR. SANTACANA: Outside the scope.

12 THE WITNESS: I don't know.

13 BY MR. MAO:

14 Q. At least as to your knowledge as to the sWAA
15 check for third-party apps, that being local, what
16 was -- what's the rationale as to why Google would

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 I'm trying to understand the rationale behind
22 why the design on a technical level was different.

23 A. App indexing is, by nature, storing
24 information on your device relative to your app usage
25 and the indexing of that app, and given that sWAA is a

1 storage setting, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. So there was not a technical barrier that
10 prevented Google Analytics from checking that setting
11 locally, is there?

12 MR. SANTACANA: Objection. Vague.

13 THE WITNESS: It may be -- and I'd need to
14 check -- that at the time that Google Analytics
15 launched, there was a technical barrier. Regardless,
16 as I mentioned, this is a storage control, and

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. MAO: Got it. So let me introduce a
22 document that might -- maybe it will address some of
23 these technical barriers for analytics that you were
24 talking about.

25 Can you take a look at Exhibit 209, which

C E R T I F I C A T E

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify;

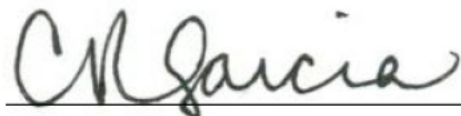
That the foregoing proceedings were taken before me stenographically at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee or any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 22, 2022

A handwritten signature in cursive script, appearing to read "N. Garcia", is written over a horizontal line.

NANCY J. MARTIN, CSR. NO. 9504, RMR, RPR